

Revised 03/06 WDNV

P.S. Informa Pauperis form  
will be sent with copies of  
Summons as soon as they're recieved, complete  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)



All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

18 CV 6210 FPG

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. Gregory Ramos ICN #110864 DIN #17-B-1422
2. \_\_\_\_\_

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

- |                                    |                         |
|------------------------------------|-------------------------|
| 1. Detective Sergeant Carl Lundin  | 4. Henry Velez 000951   |
| 2. Detective Sergeant James Dunham | 5. Cheryl Slomka        |
| 3. Detective Christopher Sterlace  | 6. Detective Mary Evans |
| 7. Chief Detective Dennis Richards | 8. Captain Ronald Jentz |
- Continued #1  
attachment

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: Gregory Ramos ICN #110864 DIN #17-B-1422

Present Place of Confinement & Address: Sing Sing Correctional facility  
354 Hunter St. Ossining, NY 10562

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION NOTE:** *To provide information about more defendants than there is room for here, use this format on another sheet of paper.*

Name of Defendant: Ronald Jentz  
(If applicable) Official Position of Defendant: Captain Buffalo Police Department  
(If applicable) Defendant is Sued in \_\_\_\_\_ Individual and/or X Official Capacity  
Address of Defendant: 74 Franklin St. Buffalo, NY 14202

Name of Defendant: Dennis Richards  
(If applicable) Official Position of Defendant: Chief Detective Buffalo Police Department  
(If applicable) Defendant is Sued in \_\_\_\_\_ Individual and/or X Official Capacity  
Address of Defendant: 74 Franklin St. Buffalo, NY 14202

Name of Defendant: Carl Lundin  
(If applicable) Official Position of Defendant: Detective Sergeant  
(If applicable) Defendant is Sued in \_\_\_\_\_ Individual and/or X Official Capacity  
Address of Defendant: 74 Franklin St. Buffalo, NY 14202

Continued #  
attachment 2

#### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes ☐ No X

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:  
Plaintiff(s): \_\_\_\_\_  
Defendant(s): \_\_\_\_\_
2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_
3. Docket or Index Number: \_\_\_\_\_
4. Name of Judge to whom case was assigned: \_\_\_\_\_

## Caption of Act

9. Deborah A. Haendiges  
 10. Thomas P. Franczyk  
 11. Colleen Curtain Gable  
 12. Lynette M. Reda

13. Mr. Garcia  
 14. Detective Kaska  
 15. Joseph J. Terranova

## Defendant's Information #2 Attachment

Name of Defendant: Joseph J. Terranova

official Position of Defendant: Attorney at law

Defendant is sued in: official ~~capacity~~ Capacity

Address of Defendant: 2901 Bowen rd. Suite C, Elma, ny

Name of Defendant: Kaska

official Position of Defendant: Detective

Defendant is sued in: Official Capacity

Address of Defendant: 74 Franklin st. Buffalo, NY 14202

Name of Defendant: Garcia

official Position of Defendant: Employee of Buffalo Police Department

Defendant is sued in: official capacity

Address of Defendant: 74 Franklin st. Buffalo, NY 14202

Name of Defendant: Cheryl Slomka

Official Position of Defendant: Employee of Buffalo Police Department

Defendant is sued in: official capacity

Address of Defendant: 74 Franklin St. Buffalo, NY 14202

Name of Defendant: Henry Velez

official capacity: Detective

Defendant is sued in: official capacity and individual

Address of Defendant: 74 Franklin st. Buffalo, NY 14202

Name of Defendant: Mary Evans

official Position: Detective

Defendant is sued in: official capacity

Address of Defendant: 74 Franklin St. Buffalo, NY 14202

Name of Defendant: Christopher Sterlace

official Position: Detective

Defendant is sued in: official capacity

Name of Defendant: James Dunham

official Position: Detective Sergeant

Defendant is sued in: official capacity

Address of Defendant: 74 Franklin st. Buffalo, NY 14202

Name of Defendant: ~~LYNETTE M. REDA~~  
Official Position: A.D.A of Erie County

Defendant is sued in: official Capacity

Address of Defendant: 25 Delaware ave. Buffalo, NY 14202

Name of Defendant: Colleen Curtain Gable

Official Position: A.D.A of Erie County

Defendant is sued in: official capacity

Address of Defendant: 25 Delaware ave. Buffalo NY 14202

Name of Defendant: Thomas P. Franczyk

Official Capacity: Honorable Judge

Defendant is sued in: official capacity

Address of Defendant: 25 Delaware ave. Buffalo NY 14202

Name of Defendant: Deborah A. Haendiges

Official Position: Honorable Judge

Defendant is sued in: official capacity

Address of Defendant: 25 Delaware ave. Buffalo, NY 14202

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

\_\_\_\_\_ Dismissed (check the box which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to exhaust administrative remedies;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

B. Have you begun **any other lawsuits in federal court which relate to your imprisonment?**

Yes X No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Gregory Ramos

Defendant(s): Doccs New York State

2. District Court: Western New York

3. Docket Number: 17-CV-1223

4. Name of District or Magistrate Judge to whom case was assigned: N/A

5. The approximate date the action was filed: Currently N/A

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

       Dismissed (check the box which indicates why it was dismissed):

       By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

       By court for failure to exhaust administrative remedies;

       By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

  X   By court due to your voluntary withdrawal of claim; <sup>exhaustion of</sup> ~~for failure to~~ State Remedies

       Judgment upon motion or after trial entered for

(Appeals)

       plaintiff

       defendant.

### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |                    |                        |                               |
|--------------------|------------------------|-------------------------------|
| • Religion         | • Access to the Courts | • Search & Seizure            |
| • Free Speech      | • False Arrest         | • Malicious Prosecution       |
| • Due Process      | • Excessive Force      | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect   | • Right to Counsel            |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

**A. FIRST CLAIM:** On (date of the incident) May 23, 2016 - April 2018

defendant (give the **name and position held** of each defendant involved in this incident) Det. Kaska, Mr. Garcia, Det. Dunham, Det. Lundin, Det. Mary Evans, Cheryl Slomka, Captain Jentz Chief Richards, Det. Velez, Det. Sterlace, Joseph J. Terranova

did the following to me (briefly state what each defendant named above did): Played a part in the malicious prosecution which denied me my due process rights by including false evidence to the investigation which led to my prosecution and withheld my property.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Violation of Due Process, Search & Seizure, False arrest, and malicious prosecution

The relief I am seeking for this claim is (briefly state the relief sought): For this injustice to be corrected and a lawsuit of 50 ~~thousand~~ brought against defendant's principal Department.

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? Yes ☒ No ☐ If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? Yes ☒ No ☐ If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: Lack of knowledge of exhaustions. I have repeatedly try to grieve this matter with ~~multiple~~ several different sources, but no response. (I will retrieve those documents).

**A. SECOND CLAIM:** On (date of the incident) June 9, 2016 - April 2018

defendant (give the **name and position held** of each defendant involved in this incident) Joseph J. Terranova esq., Hon. Deborah A. Haendiges, Hon. Thomas P. Franczyk, A.D.A. Colleen Curtain Gable, A.D.A. Lynette M. Reda

did the following to me (briefly state what each defendant named above did): Constructively denied me due process, the Speedy trial right, and effective assistance of counsel do to their own interest to malicious prosecution. By first giving a ~~very~~ unreasonably high bail, charging me with charges not constituted by allegation or disposition, also by their lack of investigation

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Excessive bail, malicious prosecution Due process, Speedy trial, ineffective assistance of counsel.

The relief I am seeking for this claim is (briefly state the relief sought): For this injustice to be corrected and a lawsuit of 50 ~~thousand~~ brought against defendant's principal Department and each Defendant

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? \_\_\_\_ Yes X No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? \_\_\_\_ Yes X No If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: Lack of knowledge of exhaustions. I have repeatedly try to grieve this matter with several different sources, but no response. (I will retrieve those documents).

If you have additional claims, use the above format and set them out on additional sheets of paper.

**6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

Lawsuit of 50 ~~thousand~~ against defendant's principal Department. For this injustice to be corrected or pardoned.

Do you want a jury trial? Yes X No \_\_\_\_



I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-26-17 GR  
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

GRAMOS  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature(s) of Plaintiff(s)

NAME: Gregory Ramos  
ERIC COUNTY HOLDING CENTER  
40 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202-3999

ICN# 116864

2003 0561841941

FOREVER  
USA



MAR 12 2018

United States District Court Clerk  
2120 U.S. Courthouse  
100 State St.  
Rochester, New York, 14614-1387

